

## IN THE CLAIMS

Claims 1, 53, 87, and 90 have been amended. Claims 1, 25, 28, 31, 53, 77, 80, 83, and 87-97 are pending in the instant application. The following is the current status of the claims of the above-captioned application.

1. (Currently Amended) A method for producing a polypeptide, comprising:
  - (a) cultivating a fungal host cell in a medium conducive for the production of the ~~biological substance~~ polypeptide, wherein the fungal host cell comprises a first nucleic acid sequence encoding the polypeptide operably linked to a second nucleic acid sequence comprising a promoter variant comprising SEQ ID NO: 5; or a subsequence thereof; or a hybrid or a tandem promoter thereof; wherein the subsequence, ~~or the hybrid promoter, or the tandem promoter~~ comprises at least one copy of the sequence CGGCGTAATTCGGCC (SEQ ID NO: 70); and
  - (b) isolating the polypeptide from the cultivation medium.
- 2-9. (Cancelled).
10. (Cancelled).
- 11-24. (Cancelled).
25. (Previously Presented) The method of claim 1, wherein the promoter variant comprising SEQ ID NO: 5 increases expression of the first nucleic acid sequence compared to the parent promoter of SEQ ID NO: 1.
26. (Cancelled).
27. (Cancelled).
28. (Previously Presented) The method of claim 1, wherein the hybrid promoter comprises a portion of SEQ ID NO: 3 and a portion of SEQ ID NO: 5, wherein at least one of the portions comprises at least one copy of the sequence CGGCGTAATTCGGCC (SEQ ID NO: 70).

29. (Cancelled).
30. (Cancelled).
31. (Previously Presented) The method of claim 1, wherein the tandem promoter comprises SEQ ID NO: 3 and SEQ ID NO: 5.
- 32-52. (Cancelled).
53. (Currently Amended) An isolated promoter variant comprising SEQ ID NO: 5; or a subsequence thereof; or a hybrid or a tandem promoter thereof; wherein the subsequence, or the hybrid promoter, or the tandem promoter comprises at least one copy of the sequence CGGCGTAATTCGGCC (SEQ ID NO: 70).
- 54-61. (Cancelled).
62. (Cancelled).
- 63-76. (Cancelled).
77. (Previously Presented) The promoter variant of claim 53, which increases expression of a nucleic acid sequence encoding a polypeptide compared to the parent promoter of SEQ ID NO: 1.
78. (Cancelled).
79. (Cancelled).
80. (Previously Presented) The promoter variant of claim 53, wherein the hybrid promoter comprises a portion of SEQ ID NO: 3 and a portion of SEQ ID NO: 5, wherein at least one of the portions comprises at least one copy of the sequence CGGCGTAATTCGGCC (SEQ ID NO: 70).
81. (Cancelled).

82. (Cancelled).
83. (Previously Presented) The promoter variant of claim 53, wherein the tandem promoter comprises SEQ ID NO: 3 and SEQ ID NO: 5.
- 84-86. (Cancelled).
87. (Currently Amended) A nucleic acid construct comprising a nucleic acid sequence encoding a ~~biological substance~~ polypeptide operably linked to the promoter variant of claim 53.
88. (Original) A recombinant expression vector comprising the nucleic acid construct of claim 87.
89. (Original) A recombinant host cell comprising the nucleic acid construct of claim 87.
90. (Currently Amended) A method for producing a ~~biological substance~~ polypeptide, comprising (a) cultivating a homologously recombinant cell, having incorporated therein a new transcription unit comprising a promoter variant of claim 53, an exon, and/or a splice donor site operably linked to a second exon of an endogenous nucleic acid sequence encoding the ~~biological substance~~ polypeptide, under conditions conducive for production of the ~~biological substance~~ polypeptide; and (b) recovering the ~~biological substance~~ polypeptide.
91. (Previously Presented) The method of claim 28, wherein both portions of the hybrid promoter comprise at least one copy of the sequence CGGCGTAATTCGGCC (SEQ ID NO: 70).
92. (Previously Presented) The method of claim 1, wherein the fungal host cell contains one or more copies of the first nucleic acid sequence.
93. (Previously Presented) The method of claim 1, wherein the fungal host cell contains one copy of the first nucleic acid sequence.
94. (Previously Presented) The method of claim 1, wherein the polypeptide is selected from

the group consisting of an antigen, enzyme, growth factor, hormone, immunodilator, neurotransmitter, receptor, reporter protein, structural protein, and transcription factor.

95. (Previously Presented) The method of claim 1, wherein the polypeptide is native or foreign to the fungal host cell.

96. (Previously Presented) The promoter variant of claim 80, wherein both portions of the hybrid promoter comprise at least one copy of the sequence CGGCGTAATTCGGCC (SEQ ID NO: 70).

97. (Previously Presented) The method of claim 77, wherein the polypeptide is selected from the group consisting of an antigen, enzyme, growth factor, hormone, immunodilator, neurotransmitter, receptor, reporter protein, structural protein, and transcription factor.